

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 21, 2006

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J. (Assigned) and P. Gonzalez, Deputy Clerk.

Each of the following:

B179540 Humprey v. Home Depot
B187259 Cheatham v. Mannkind Corp.
B189566 Takeuchi et al. v. City of Los Angeles

Matter continued to December 19, 2006.

B181333 Czuker v. Bril

Matter continued to January 23, 2007.

B184040 Bowen v. City of Pasadena

Matter continued to January 24, 2007.

B188426 Hripsime A. Hazrian
 v.
 Mary Moreno

Merits:

Argued by Steven S. Clark for respondent and no appearance for appellant.
Cause submitted.

DIVISION ONE (Continued)

B192440 Ready Pac Produce, Inc.

v.

Superior Court, Los Angeles County
(Jeronimo Sandoval et al., r.p.i.)

Merits:

Argued by Everett Hinchcliffe for petitioner and by Dennis M. Elber for
real parties in interest. Cause submitted.

B183907 Judith Alcantar

v.

City of Los Angeles

Merits:

Argued by Douglas G. Benedon for appellant and by Kim R. Westhoff,
Deputy City Attorney for respondent. Cause submitted.

B182072 Stephen W. Berger et al.

v.

Peter Dobias

Merits:

Argued by James J. Moneer for appellant and by Stephen W. Berger for
respondents. Cause submitted.

Mallano, J., leaves the bench.

B188016 Gabriela Rodriguez

v.

Marquez Brothers Enterprises , Inc.

Merits:

Argued by Andrew E. Smyth for appellant and by Sherry L. Swieca for
respondent. Cause submitted.

DIVISION ONE (Continued)

Mallano, J., returns to the bench.

B187951 Anthony Estrada et al.
 v.
 Fedex Ground Package Systems, Inc.

Merits:

Argued by Walter Dellinger for appellant and by Ellen Lake for respondents. Cause submitted.

B188064 In re Estate of Mary Ann Dalby
B189161 Donald Dalby
 v.
 21st Century Insurance Co.

Merits:

Argued by John A. Taylor for appellant and by Samuel J. Lieb for respondent. Cause submitted.

Court recessed at 11:07 a.m.

Court reconvenes at 11:11 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., and P. Gonzalez, Deputy Clerk.

B187272 Michael J. Bailey
 v.
 Fernando Valenzuela

Merits:

Argued by Sean M. Novak for appellant and by Matthew H. Fisher for respondent. Cause submitted.

DIVISION ONE (Continued)

B190440 Diane B. Weissburg
v.
Los Angeles Civil Service Commission et al.

Merits:
Argued by Diane Weissburg for appellant and by Shan Thever for respondents. Cause submitted.

Court adjourned.

B189948 People (Not for Publication)
v.
Venegas

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B186721 Abraham E. (Not for Publication)
v.
Claudia F.

The order is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), Acting P.J.

We concur: Rothschild, J.
Jackson, J. (Assigned)

DIVISION ONE (Continued)

B193432 Los (Not for Publication)

v.
Superior Court, Los Angeles County
(Kobel et al., r.p.i.)

THEREFORE, let a peremptory writ issue, commanding respondent superior court to vacate its order of August 21, 2006, striking the section 170.6 peremptory challenge as untimely, and to issue a new and different order granting same, in Los Angeles Superior Court case No.YC052815, entitled Nancy Koble, as Executor, etc. v. Tammie Los. The temporary stay order is hereby vacated. The Order to Show Cause hearing is to be heard by the newly assigned judge. Los is entitled to her costs of these writ proceedings.

Mallano, Acting P.J.: Vogel (Miriam A.), J. Rothschild, J.

DIVISION TWO

B179848 Fields (Certified for Publication)

v.
Yusuf, et al.

The judgment is reversed and remanded. Appellant is awarded costs of appeal.

Doi Todd, Acting P.J.

I concur: Ashmann-Gerst, J.
I dissent: Chavez, J. (Opinion)

B181934 Sidaross
v.
Professional Engineers in California Government

Filed order denying petition for rehearing.

November 21, 2006 (Continued)

DIVISION TWO (Continued)

[illegible]

The judgment is reversed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B183242 People (Not for Publication)
v.
Darest Marcus Calhoun

The judgment of conviction is affirmed. The section 12022.53, subdivision (c), enhancement finding on count 1 is vacated. The matter is remanded to the trial court for further proceedings consistent with this opinion.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B189791 People
v.
Luis Gregorio Segura

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE (Continued)

B189808 Los Angeles County Department of Children and Family Services
v.
B.A.,

Filed order modifying opinion. (Change in judgment).

DIVISION FOUR

B189349 Los Angeles County, D.C.S. (Not for Publication)
v.
Amy R.

The judgment terminating parental rights is reversed and the case is remanded to the juvenile court with directions to order Department to comply with all pertinent provisions of ICWA. If, after proper notice, a tribe claims Tyler R. is an Indian child, the juvenile court shall proceed in conformity with all provisions of ICWA. If, however, no tribe claims he is an Indian child, the judgment terminating the parental rights of Amy R. shall be reinstated.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B187389 Deangelis (Not for Publication)
v.
Department of Motor Vehicles

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

November 21, 2006 (Continued)

DIVISION FIVE

B184268 Hilton K. (Certified for Partial Publication)
v.
Menacham Mendel Greenbaum

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

B190234 People (Not for Publication)
v.
Myong Kim

The judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

B188301 People (Not for Publication)
v.
Gregorio Victoria

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

B190272 People
 v.
 Casillas

Petition for rehearing is denied by operation of law.

DIVISION SEVEN

B188750 Blechman (Not for Publication)
 v.
 The United States Life Insurance Company, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
 Zelon, J.

B188695 Barsamyan
 v.
 Superior Court, Los Angeles County

Filed order denying petition for rehearing. Justice Johnson would grant rehearing to clarify.

B184521 Geraci
 v.
 Geraci

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B191317 In re ANALU C., (Not for Publication)
 People
 v.
 Analu C.,

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

B193153 In re JASMINE S. et al, (Not for Publication).
 Los Angeles County, D.C.S.
 v.
 Frederick M. et al.,

The order is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

November 21, 2006 (Continued)

**ADD TO THE MINUTES OF NOVEMBER 20, 2006
FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

DIVISION SEVEN

B184521 Geraci (Certified for Publication)
v.
Geraci

The portion of the judgment affirming the division of the sales proceeds from the residence is affirmed. The portion of the judgment declaring Manhattan Associates a partnership between the parties and dividing its profits as community property is reversed. The portion of the judgment imposing sanctions of John and awarding spousal support to Jane are reversed and remanded to the trial court with directions to reconsider these issues consistent with the views expressed in this opinion.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.